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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

**5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 21 2015

Mr. Stanley Rocetenetz, Trustee
Ben Val Realty Trust
1071 Main Street
Woburn, Massachusetts 01801

Scott Seaver, Site Manager
1071 Village LLC
215 Lexington Street
Woburn, Massachusetts 01801

Re: PCB Cleanup and Disposal Approval under § 761.61(a)
1071 Main Street
Woburn, Massachusetts
MassDEP RTN: 3-0032585

Dear Mr. Rocetenetz and Mr. Seaver:

This is in response to the 1071 Village, LLC (the Village) Notification¹ to address PCB contamination on the property located at 1071 Main Street, Woburn, Massachusetts (the Site). The Site contains PCB-contaminated soils that exceed the allowable PCB level for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a). The property is currently owned by Ben Val Realty Trust. However, as the prospective buyer, the Village will be addressing the PCB contamination at the Site and is requesting approval to clean up and dispose of the PCB-contaminated soils under the PCB self-implementing cleanup and disposal option (SIP) at 40 CFR § 761.61(a).

In the Notification the Village is proposing the following PCB cleanup and disposal activities under § 761.61(a):

¹ Information submitted by EBI Consulting on behalf of 1071 Village LLC, was provided to satisfy the notification requirement under 40 CFR § 761.61(a). Information was provided dated December 29, 2014 (Self-Implementing Plan (SIP)); January 8, 2015 (email Response to EPA questions); and January 12, 2015 (email response to question about ≥ 50 ppm soils). These submittal will be referred to as the "Notification."

- Remove PCB-contaminated soils (approximately 900 square feet to a depth of 4 feet) and *porous surfaces* (i.e., entire asphalt surface covering) and dispose as greater than or equal to (\geq) 50 parts per million (ppm) *PCB remediation waste* at a TSCA-approved disposal facility or a RCRA hazardous waste landfill in accordance with § 761.61(a)(5)(i)(B)(2)(iii)
- Conduct sampling following removal of the \geq 50 ppm PCB-contaminated soils in accordance with 40 CFR Part 761 Subpart O to confirm that all PCB-contaminated soils with \geq 50 ppm have been removed prior to removal of the less than ($<$) 50 ppm PCB-contaminated soils
- Remove PCB-contaminated soils with $<$ 50 ppm and dispose at a facility permitted by a State to manage non-hazardous waste in accordance with § 761.61(a)(5)(i)(B)(2)(ii)
- Conduct verification sampling in accordance with 40 CFR Part 761 Subpart O to confirm that the less than or equal to (\leq) 1 ppm PCB standard has been met

The information provided meets the self-implementing notification and certification requirements under 40 CFR §761.61(a)(3). The Village may proceed with its project in accordance with 40 CFR § 761.61(a); its Notification; and, this Approval, subject to the conditions of Attachment 1.

This Approval only addresses cleanup and disposal of *PCB remediation waste* (i.e., soils and asphalt) identified in the Notification. In the event that the Village identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the Village or Ben Val Realty Trust will be required to notify EPA and cleanup the PCB-contaminated wastes in accordance with 40 CFR Part 761 (see Attachment 1, Condition 1).

This Approval does not release the Village or Ben Val Realty Trust from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCB-contaminated soil or other Site contaminants under the Massachusetts Department of Environmental Protection (MassDEP) regulations.

Questions and correspondence regarding this Approval should be directed to:

Katherine A. Woodward, PCB Project Manager
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1353
Facsimile: (617) 918-0353

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Sanderson", written in black ink.

Mary Sanderson, Chief
Remediation & Restoration II Branch

Attachment 1-Approval Conditions

cc: E. Giordano, EBI
MassDEP NERO: RTN 3-0032585
File

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
1071 MAIN STREET (the Site)
WOBURN, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the bulk *PCB remediation waste* (i.e., soil) and PCB-contaminated *porous surfaces* (i.e., asphalt) located at the Site as identified in the Notification.
 - a. In the event that 1071 Village LLC (the Village) or Ben Val Realty Trust identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the Village or Ben Val Realty Trust shall notify EPA.
 - b. The Village or Ben Val Realty Trust may submit a separate plan to address the PCB contamination in accordance with 40 CFR Part 761 or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 17.
 - c. In the event that the Village does not obtain ownership of the Site from Ben Val Realty Trust, the Village shall provide notification to EPA. If this occurs, Ben Val Realty Trust may submit a separate plan to address the PCB contamination or may request to modify the Notification to clean up the PCBs under this Approval.
2. The Village shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Village must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Village shall contact EPA within 24 hours for direction on sampling and cleanup requirements.

6. The Village is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Village has or receives information indicating that the Village or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Village are authorized to conduct the activities set forth in the Notification. The Village is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Village or Ben Val Realty Trust from compliance with any applicable requirements of federal, state or local law; or 3) release the Village or Ben Val Realty Trust from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in 40 CFR § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the Village of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The Village shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
12. Prior to initiating onsite work under this Approval, the Village shall submit the following information:
 - a. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;

- b. a contractor work plan, prepared and submitted by the selected remediation contractor(s) describing the air monitoring that will be employed during remedial activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the sample extraction, analytical and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

- 13. The cleanup level for *PCB remediation waste* (i.e., soil and asphalt) at the Site shall be less than or equal to (\leq) 1 part per million (ppm) to meet the requirements at § 761.61(a)(4) for a *high occupancy area* without further conditions.
 - a. *Bulk PCB remediation waste* samples (i.e., soil) shall be collected on a bulk basis (e.g. mg/kg) and in accordance with Subpart O. Samples shall be collected from both excavation bottoms and sidewalls.
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
- 14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. The Village shall allow any authorized representative of the Administrator of the EPA to inspect the Site, to inspect records, and to take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Village to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

20. The Village shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and the analytical sampling shall be established and maintained by the Village in one centralized location until such time as EPA authorizes, in writing, an alternative disposition for such records. All records shall be made available for inspection by authorized representatives of EPA.

21. The Village shall submit a final report in both hard copy and electronic version (CD-ROM), to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

22. Required submittals shall be mailed to:

Katherine A. Woodward, PCB Project Manager
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912

23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1